

12785
RECORDATION NO. _____ Filed 1425

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JAN 21 1981 - 1 15 PM
BURLINGTON NORTHERN
INTERSTATE COMMERCE COMMISSION

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INTERSTATE COMMERCE COMMISSION

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INTERSTATE COMMERCE COMMISSION

LAW DEPARTMENT

RECORDATION NO. _____ Filed 1425

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12785-1-021-000

176 East Fifth Street
St. Paul, Minnesota 55101
Telephone (612) 298-2121

RECORDATION NO. _____ Filed 1425

JAN 21 1981 - 1 15 PM
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INTERSTATE COMMERCE COMMISSION

JAN 21 1981
Fee \$ 50.00

JAN 21 1981 - 1 15 PM
INTERSTATE COMMERCE COMMISSION

ICC Washington, D. C.

Office of the Secretary
Interstate Commerce Commission
Washington, D.C. 20423

RECORDATION NO. _____ Filed 1425

January 20, 1981

RECORDATION NO. _____ Filed 1425

Gentlemen:

JAN 21 1981 - 1 15 PM

JAN 21 1981 - 1 15 PM

INTERSTATE COMMERCE COMMISSION
There is submitted herewith for filing with the Commission pursuant to Section 11303 of the Interstate Commerce Act two fully conformed counterparts of that certain St. Paul-Duluth Division Mortgage of the Northern Pacific Railway Company dated June 15, 1900 which ran in favor of Guaranty Trust Company Of New York as Trustee, together with Amendments thereto, dated July 1, 1902, April 6, 1908, June 1, 1920, April 24, 1937, April 27, 1942, December 30, 1943, March 2, 1970 and October 14, 1976, together with two original counterparts of the Satisfaction and Release of said mortgage dated November 12, 1980.

Enclosed is a check payable to the order of the Commission for \$50.00 in payment of the recordation fee.

The names and addresses of the parties to the mortgage are as follows:

St. Paul-Duluth Division Mortgage, Northern Pacific Railway Company

Original Trustee: Guaranty Trust Company of New York
New York, New York

Successor Trustee: Morgan Guaranty Trust Company of New York
Attn: Corporate Trust Department
30 West Broadway
New York, New York 10015

Original Mortgagor: Northern Pacific Railway Company
176 East Fifth Street
St. Paul, Minnesota 55101

RECEIVED
JAN 21 1981
FEE DEPARTMENT
JAN 21 1981

Steven Paul Road
C. Allen [Signature]

January 20, 1981

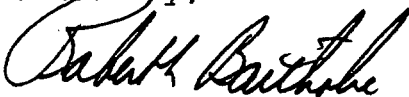
Successor Mortgagor: Burlington Northern Inc.
176 East Fifth Street
St. Paul, Minnesota 55101

General Description of the Mortgage:

All of the line of railroad branches and other property formerly belonging to the St. Paul-Duluth Railway Company (predecessor in interest and title to Northern Pacific Railway Company, predecessor in interest and title to Burlington Northern Inc.), the main line of which extend generally from the City of St. Paul in Ramsey County, Minnesota, to Lake Superior at Duluth in St. Louis County, Minnesota, a distance of 156 miles more or less, together with branches thereof as more fully described in the Granting Clauses of said mortgage. All of which have now been released from the lien of the mortgage and the mortgage fully cancelled, satisfied, and discharged.

Please return to the individual presenting these documents for recordation, Mrs. Carolyn H. Kunkel; one set of the enclosed documents, stamped and bearing the notation as provided in Section 1116.5(a) of the Commission's Regulations.

Sincerely,



Robert L. Bartholic
Assistant General Counsel

RLB/gtdl,23



BURLINGTON NORTHERN

LAW DEPARTMENT

176 East Fifth Street
St. Paul, Minnesota 55101
Telephone (612) 298-2121

No. 102,907

Date JAN 23 1981

For \$ 110.00

NO Washington, D. C.

January 21, 1981

Mrs. Carolyn H. Kunkel
Kunkel Transportation Services, Inc.
Suite 523
425-13th Street N.W.
Washington, D.C. 20004

Dear Mrs. Kunkel:

With reference to Mr. Bartholic's telephone conversation today with Ms. Mildred Lea of the Recording Section of the Interstate Commerce Commission I am enclosing a check for an additional \$110 filing fee for the filing and recordation of the St. Paul-Duluth Division Mortgage of the Northern Pacific Railway Company dated June 15, 1900 and its supplements and Satisfaction with the Interstate Commerce Commission.

Please handle as before.

Very truly yours,

Patricia A. Jung

Patricia A. Jung
Administrative Secretary

Enclosure

RECEIVED
JAN 23 1981
FEE OPERATION BR.

COPY

12785

RECORDATION NO. _____ FILED 1488

Doc. 276

Office of Ass't Sec'y

JAN 21 1981 - 1 15 PM

INTERSTATE COMMERCE COMMISSION

THIS INSTRUMENT was this 20th day of April, in the year nineteen hundred and thirty seven (1937), between the NORTHERN PACIFIC RAILWAY COMPANY, a corporation created by and existing under the laws of the State of Wisconsin, hereinafter termed the "Railway Company", party of the first part, and the TRUSTEE TRUST COMPANY OF NEW YORK, a corporation created by and existing under the laws of the State of New York, hereinafter termed the "Trustee", party of the second part.

WHEREAS the Railway Company heretofore and on or about the 15th day of June, 1900, made its certain mortgage or trust deed to the Trustee dated on said last named day, designated the St. Paul-Duluth Division Mortgage, wherein and whereby the Railway Company, to secure the payment of principal and interest of certain bonds to be issued in accordance with the provisions of said mortgage, did convey to the Trustee the railroad, property, equipment and franchises theretofore belonging to the Duluth and Duluth Railroad Company, more particularly described and set forth in said mortgage, and

WHEREAS the following described land situated in the City of Duluth, County of St. Louis and State of Minnesota, to-

That portion of Bristol Street, produced east, which lies between a line drawn across said street sixty (60) feet east from and parallel with the east line of West Duluth, Third Division, on the south side of said street, according to the recorded plat thereof, and a line drawn across said street fifty (50) feet east from and parallel with the east line of Block one hundred ninety-three (193) in said West Duluth, Third Division, containing eighteen one thousandths (0.018) of an acre, more or less.

Also beginning at a point on the produced south line of Bristol Street sixty (60) feet east, measured along said south line, from the east line of West Duluth, Third Division, on the south side of Bristol Street, according to the recorded plat thereof; running thence south, parallel with said east line one hundred thirty-four (134) feet, thence east, parallel with Bristol Street seventy-five (75) feet; thence north one hundred thirty-four (134) feet to said south line of Bristol Street; thence west seventy-five (75) feet to the point of beginning; containing one hundred fifteen one thousandths (0.115) of an acre, more or less.

in land that was subject to the lien of said mortgage, and

WHEREAS the Railway Company has conveyed said above described land to the National Iron Company in exchange for the conveyance by the said National Iron Company to the Railway Company of the land hereinafter described, also situated in the City of Duluth, County of St. Louis and State of Minnesota, and at the request of said Railway Company, in accordance with the terms of said mortgage, the said Trustee has released said land conveyed as aforesaid by the Railway Company from the lien of said mortgage.

NOW THEREFORE, in consideration of such release by the Trustee, the Railway Company has granted, bargained, sold and conveyed and does hereby grant, bargain, sell and convey unto the said Trustee, its successors and assigns, forever, all and singular, the following described land conveyed to it by the National Iron Company as aforesaid and situated in the City of Duluth, County of St. Louis and State of Minnesota, to-wit:

Commencing at the southeasterly corner of block one hundred ninety-three (193), Altered Plat of West Duluth, Third Division, according to the plat thereof of record in the office of the Register of Deeds of St. Louis County, Minnesota, thence running easterly in a continuation in the same straight line of the north line of Third Street north on said plat, now known as Bristol Street, three hundred and fifty (350) feet to a point; thence southerly on a line at right angles to the last named line sixty-six (66) feet to a point which is the place of beginning; thence northerly along the last described line and continued in the same straight line one hundred ninety (190) feet to a point; thence southwesterly to a point which is sixty-six (66) feet southerly taken at right angles from the said north line of Third Street, now Bristol Street extended, and which is one hundred twenty-five (125) feet westerly from the said place of beginning; thence easterly one hundred twenty-five (125) feet to the place of beginning.

TO HAVE AND TO HOLD the same unto the Trustee, its successors and assigns, forever.

BUT IN TRUST NEVERTHELESS for the equal and proportionate benefit and security of all and every the present and future holders of any and every bond and interest obligation issued under and secured by or to be issued under and secured by the said St. Paul-Duluth Division Mortgage and as therein set forth.

IN WITNESS WHEREOF the Northern Pacific Railway Company, party of the first part, has caused this indenture to be signed and acknowledged or proved by its President and its corporate seal to be hereto affixed and the same to be attested by the signature of its Assistant Secretary, and the Guaranty Trust Company of New York, party of the second part, has caused its corporate seal to be hereto affixed and attested by the signature of its Assistant Secretary and these presents to be signed and acknowledged or proved by its Vice President in token of its acceptance of the trusts hereby created, the day and year first above written.

Witnesses as to Northern
Pacific Railway Company:

Russell H. Dick (SEAL)
A. B. Tibbs

NORTHERN PACIFIC RAILWAY COMPANY,

By: Charles Donnelly, President.

Attest: A. M. Gottschald,
Assistant Secretary.

Witnesses as to Guaranty
Trust Company of New York:

Frank J. Murphy
A. L. Greene (SEAL)

GUARANTY TRUST COMPANY OF NEW YORK,

By: Kingsley Kunhardt,
Vice-President.

Attest: T. P. Barber, Asst. Secy.

STATE OF MINNESOTA }
COUNTY OF RAMSEY } ss

On this 24th day of April, 1937, before me appeared CHARLES DONNELLY and A. M. GOTTSCHALD, to me personally known, who being by me duly sworn, did say that they are respectively the President and Assistant Secretary of the Northern Pacific Railway Company; that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in behalf of said corporation by authority of its board of directors, and said Charles Donnelly and A. M. Gottschald each acknowledged said instrument to be the free act and deed of said corporation.

(SEAL)

G. B. Tschis,
Notary Public, Ramsey County,
Minn., My Commission expires
Jan 25, 1944.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.
CITY OF NEW YORK)

On this 16th day of June, 1937, before me appeared KENNETH KENNEDY and E. P. BARBER to me personally known, who being by me duly sworn, did say that they are respectively the Vice President and Assistant Secretary of the Guaranty Trust Company of New York; that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was executed in behalf of said corporation by authority of its board of directors, and said KENNETH KENNEDY and E. P. BARBER each acknowledged said instrument to be the free act and deed of said corporation.

(SEAL)

W. J. Burnham,
Notary Public, New York County
E. Y. Co. Clerk's No. 346, Reg. No. 8-1-37
Queens Co. Clerk's No. 653, Reg. No. 8-1-37
Kings Co. Clerk's No. 274, Reg. No. 8-1-37
Renss. Co. Clerk's No. 8-1-29
Certificate filed in Department of
Commission Expires March 30, 1938.